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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,433	01/10/2002	Gopinath Baddepudi		6956

7590

04/06/2004

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INDIA

EXAMINER
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DRUAN, THOMAS J

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/06/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/042,433      01/10/2002      Gopinath Baddepudi

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Druan, Thomas J.

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Commissioner for Patents

***Response to Amendment***

1. The reply filed on 24 November 2003 is not fully responsive to the prior Office Action because of the omission(s) or matter(s) described below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
2. The amendment filed on 24 November 2003 does not comply with the requirements of 37 CFR 1.121(c) because there are problems with the content of the amendments as discussed below.
3. The amendment filed on 24 November 2003 is the only amendment thus far to be entered. Because it is the only amendment to be entered, any reference in the marked up copy of the amendment filed 24 November 2003 to any prior not-entered amendments is confusing. Any amendment to the specification must be made in reference to the latest version of the specification, which in this case is the specification as originally filed. In the reply dated 24 November 2003 under a section entitled "2. Withdrawal/ cancellation of amendments sent on June 26<sup>th</sup> 2003," it is stated that the current amendments would be based on "the original specification dated 10<sup>th</sup> Jan 2002." However, it does not appear that this is the case. It appears to be an amendment to the specification filed 26 June 2003, which has not been entered.

Art Unit: 3724

4. It is noted that if the additions made in this amendment were to be added to the specification as originally filed, there would be new matter introduced. Specifically, the changes made under the heading "Other Design Variations With the same Principle" includes limitations such as including an attachment of a board, having the base move instead of the knives, using double edged knives, use of a motor and reduction gear box with the device, and a spring return mechanism.

Narrative passages such as that newly entered on page 7 of the marked up copy of the latest amendment, under the heading EMBODIMENT 3. MULTI KNIFE CUTTING DEVICE. INCLINED CUTTING ACTION, would be awkward in an issued patent as there is no copy of correspondence regarding prosecution of the patent application readily available to the public. Therefore, reference in the specification to letters sent to the Examiner should be avoided.

5. It is noted that the claims as originally filed have been cancelled in the latest amendment and replaced with new claims 7-10. The new claims 7-10 have not yet been examined, but a cursory review of them reveals that there may be different embodiments concurrently claimed, each corresponding to a different figure of the drawings. It is further noted that the different embodiments are currently depending from a generic claim, and that non-elected species should not be cancelled and pursued in a divisional application, as Double Patenting issues may arise. If the generic claim is found to be allowable, then the non-elected species depending therefrom may be rejoined.

Art Unit: 3724

6. The usage of the phrase "the improvements comprising" indicates that the claim is a Jepson-type claim, and therefore carries an implied admission that the preamble is prior art and can be used in an obviousness rejection (see 37 CFR 1.75(e) and MPEP § 2129).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Druan, Jr. whose telephone number is 703-308-4200. The examiner can normally be reached on M-F (8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/04  
tjd

April 5, 2004

  
BOYER ASHLEY  
PRIMARY EXAMINER